IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5063 OF 2006

Nandkishor Vasantrao Ishi .. Petitioner
v/s.
State of Mahrashtra and others. .. Respondents

Mr.R.K.Mendadkar with Ms.H.K.Mandlik for the petitioner.

Mr.C.R.Sonawane, Assistant Government Pleader for the respondents.

CORAM : R.M.LODHA &
NARESH H. PATIL, JJ.

DATED : 4TH AUGUST, 2006.

P.C.

Rule, returnable forthwith.

2. Mr.C.R.Sonawane, Assistant Government Pleader waives service for the respondents.

3. In the earlier writ petition filed by the petitioner being writ petition No.731 of 1992, this court in its order dated 18th February, 2003, held thus-

> "4. In view of the undisputed fact that the Petitioner's father and brother have been held to be belonging to Tokre Koli-Scheduled Tribe, the Petitioner has to be held to be belonging to same Scheduled Tribe."

4. Thereafter, the petitioner applied to the respondent No.2 for issuance of caste validity certificate to the petitioner in Form "G" of the Caste Certificate Rules.

5. By the impugned order, the respondent No.2 disposed of the petitioner's application by observing that the High Court has held that the petitioner belongs to Tokre Koli-Scheduled Tribe, but no direction has been issued to the Scrutiny Committee to issue certificate of validity. In our view, to say the least, the approach of the Caste Scrutiny Committee is wholly perverse and unsustainable.

6. Mr.C.R.Sonawane, Assistant Government Pleader conceded that the Caste Scrutiny Committee ought to have issued certificate of validity in view of the judgment of this court dated February 18, 2003.

7. We, accordingly, set aside the communication dated 13th February, 2006 impugned in the present writ petition and direct the respondent No.2 viz. Scheduled Tribe Certificate Scrutiny Committee, Nashik to issue caste validity certificate to the petitioner in Form "G" of the Caste Certificate Rules in accord with the judgment of the High Court dated February 18, 2003 as early as possible and in no case later than two weeks from the date of receipt of the order of this court.

Rule is made absolute in the aforesaid terms. No costs.

(R.M.LODHA, J.)

(NARESH H. PATIL, J.)